

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

V.

No. CR-05-148-FVS

ORDER

RONALD EDGAR DAVIS,

Defendant.

THIS MATTER comes before the Court based upon the defendant's motion to modify the judgment. He is representing himself.

BACKGROUND

A revocation judgment was entered on October 26, 2007. The defendant was ordered to serve 12 months imprisonment consecutive to a state sentence. He alleges that the Bureau of Prisons ("BOP") has wrongfully refused to give him credit for 82 days of confinement that he has served.

RULING

"After a district court sentences a federal offender, the Attorney General, through the [Bureau of Prisons], has the responsibility for administering the sentence." *United States v. Wilson*, 503 U.S. 329, 335, 112 S.Ct. 1351, 1355, 117 L.Ed.2d 593 (1992). Thus, questions concerning the execution of a sentence should be presented to the BOP in the first instance. See *id.* If,

1 after exhausting his administrative remedies, the defendant remains
2 dissatisfied, he may seek review of the BOP's decision under 28
3 U.S.C. § 2241. See *Doganiere v. United States*, 914 F.2d 165, 169
4 (9th Cir.1990); *United States v. Giddings*, 740 F.2d 770, 772 (9th
5 Cir.1984). However, the proper forum for bringing a § 2241 habeas
6 petition challenging the execution of a sentence is the district
7 where the prisoner is confined. *Dunne v. Henman*, 875 F.2d 244, 249
8 (9th Cir.1989). The proper respondent in such an action is the
9 prisoner's "immediate custodian." *Brittingham v. United States*, 982
10 F.2d 378, 379 (9th Cir.1992) (per curiam) (citation omitted).

IT IS HEREBY ORDERED:

The defendant's motion to vacate (Ct. Rec. 56) is denied.

IT IS SO ORDERED. The District Court Executive is hereby directed to enter this order and furnish copies to the defendant and to counsel for the United States.

DATED this 9th day of October, 2008.

s/ Fred Van Sickle
Fred Van Sickle
Senior United States District Judge